

Notice of Allowability

Application No.

10/085,445

Examiner

Thomas K Pham

Applicant(s)

ERYUREK ET AL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 3/2/05.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☒ The drawings filed on 28 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. Claims 1-35 are allowed.
2. The following is an examiner's statement of reasons for allowance:

While Kobayashi (Patent No. 5,533,413) discloses an equipment diagnosis system for diagnosing the functional state, the deterioration state, the remaining life time state of various equipment. The system compares a model of remaining life time of the equipment with the actual measurement at the time of maintenance. The comparison result is use to correct the model of remaining life time. Kobayashi does not teach comparing the estimated model with a predetermined desired level of degradation.

Beaverstock (Patent No. 5,134,574) teaches performance measurements of a process plant dynamically during operations of the plant. The system calculates a dynamic performance measures using mathematical algorithms. The calculated values then compare to predetermined target values in order to obtain the basis for the dynamic performance of interest. Beaverstock does not discuss level of degradation associated with the process plant.

Buhrow (Newly cited reference USPN 4,998,208) teaches a piping corrosion monitoring system utilizes data concerning corrosion rates, corrosion-affecting factors, and the likelihood and extent of damage might caused by piping failure to generate a realistic schedule for inspection. The system uses test cases results to compare with predetermined maximum point long rate and predetermined maximum point short rate in order to provide the amount of time needed for the pipe to corrode to its service limit.

And Sparago (Newly cited reference USPN 6,047,241) teaches selective corrosion rate analysis for generating inspection and replacement schedules for a fluid processing plant. The

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system established the corrosion data for each thickness measurement location and running the data through a plurality of corrosion engineering models. Finally, selecting the best fitting corrosion engineering model for generating inspection and replacement schedules for the plant.

None of these references taken either alone or in combination discloses a method and device adapted to use a degradation level of a process entity within a process plant having all the claimed features of applicant's instant invention, specifically including: comparing the estimated level of degradation of the process entity at the first time to a predetermined desired level of degradation of the process entity at the first time; and altering the operation of the process entity based on the comparison to drive an estimated level of degradation of the process entity at a second time after the first time to be approximately equal to a predetermined desired level of degradation of the process entity at the second time, wherein the predetermined desired level of degradation of the process entity at the second time is greater than the predetermined desired level of degradation of the process entity at the first time. In addition, the comparison result can also be use to produce an index defining a utilization amount of the process entity which is used for altering the operation of the process entity. Also, there is no motivation to combine the references to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

March 11, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600